

Applicant : Scott Montgomery  
Appl. No. : 09/990,341  
Examiner : Kambiz Abdi  
Docket No. : 703602.2

### Remarks

Claims 27, 34, 37-38, 53 and 59 have been amended. Claims 1-34, 36-49, 51-56, and 58-65 are pending in the application. The applicants respectfully requests reconsideration.

### Common Ownership

The subject matter described by the claims have been commonly owned at all times.

### Claim Objections

The applicants have amended claims 27 and 53 to replace the limitation “when executed by the data processing circuitry” with “operable with the data processing circuitry.” The applicants respectfully submit that the amendment places the claim language in acceptable format.

### Rejection of Claims Under 35 U.S.C. 112

The applicants respectfully submit that the claim language “configured for. . .” is clear and definite as used in the context of the claim. Claims 27 and 53 are apparatus claims and do not require the performance of a method, as suggested in the office action.

With regards to claim 46, the applicants respectfully submit that the claim language recites the method steps in a clear and definite manner within the context of the claims and is in full compliance with the requirements of section 112.

### Rejection of Claims Under 35 U.S.C. 103

Claims 1-34, 36-49, 51-56 and 58-65 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent No. 6,005,945 to Harry Whitehouse (hereinafter “Whitehouse”) in view of U.S. Patent Application Publication No. 2005/0209976 to William F. Bailey (hereinafter “Bailey”) and claims 46-49, 51-56 and 58-64 were rejected under 35 U.S.C. 103(a) as being unpatentable over Whitehouse in view of Bailey and further in view of U.S. Patent Application Publication No. 2001/0056469 to Takasi Oonuki. Applicant respectfully traverses.

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Claim 1 is patentable because Whitehouse and Bailey, either alone or in combination, fail to disclose validating postage for a mail piece by “retrieving the indexed postage indicium from the database based on the read indexing tracking ID” as required by claim 1.

The office action acknowledges that this is not disclosed in Whitehouse and instead relies on Bailey as disclosing the quoted language. However, Bailey fails to disclose retrieval of the indexed postage indicium based on the tracking ID.

Bailey discloses the use of an “ID tracking number that uniquely corresponds to the envelope.” See paragraph 8. The provision of a unique ID tracking number allows the sender to be issued a receipt that provides proof of deposit for the envelope addressed to a particular recipient. See paragraphs 2-8. Indeed, the goal of Bailey is to provide this receipt efficiently. Bailey is not concerned with data retrieval, which explains Bailey’s failure to disclose the language of the claims. Bailey is simply silent as to whether any data retrieval process occurs, much less what data is even capable of retrieval were such a retrieval process to take place.

Bailey, in fact, teaches away from the claimed subject matter. Bailey’s system operates with envelopes having conventional stamps, in which case no indexed postage indicium even exists. See paragraph 29. Thus, one of skill in the art is taught away from utilizing the indexed postage indicium in any context.

The applicants respectfully submit that, because Bailey fails to disclose retrieval of the indexed postage indicium, and in fact teaches away from such, the references do not disclose all of the elements of the claims, either alone or in combination, and the claimed subject matter would not be obvious to one of skill in the art. Thus, the applicants respectfully request that the rejection to claim 1 and the claims depending therefrom be withdrawn.

The applicants respectfully submit that the remaining independent claims are allowable for the same or similar reasons as those set forth with regard to claim 1. Thus, the applicants respectfully request that the rejections to the remaining independent claims and the claims depending therefrom also be withdrawn.

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Conclusion

Prompt and favorable action on the merits of the claims is earnestly solicited. Should the Examiner have any questions or comments, the undersigned can be reached at (949) 567-6700.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 15-0665.

Respectfully submitted,

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By: 

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